

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and in light of the arguments made in Applicant's amendment filed October 22, 2010 is respectfully requested.

Applicant has deleted an inaccurate recitation from independent claim 25. In this regard, see paragraph [0029] of the substitute specification.

The amendment to claim 25 does not affect the patentability of independent claim 25 and the arguments for patentability as set forth in Applicant's amendment filed October 22, 2010 are incorporated herein.

Claim 26 has been amended so as to more accurately set forth the apparatus of the present invention. The phrase "at ambient temperature" has been deleted so as to comply with 35 U.S.C. 112, both first and second paragraphs. Be that as it may, the arguments for patentability over the cited references are again repeated. The introduction of steam would not be applicable in the apparatus of the present invention which is for molding consumable chocolate. In addition to the foregoing, the reference to a tube located within the axial bore has been deleted. In this regard, see paragraph [0030] wherein it is set forth that the use of a tube in the axial bore is an alternative embodiment.

It is submitted that all of the claims as pending are patentable over the art of record for the reasons set forth in Applicant's amendment of October 22, 2010 which is incorporated herein by reference.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in

this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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Date: December 21, 2010